

ORDINANCE NO. 10-32

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 6 PARKING SPACES IN THE FRONT SETBACK, GRANTING A VARIANCE PERMIT TO ALLOW A LANDSCAPE BUFFER OF 2.6 FEET, WHERE 7 FEET ARE REQUIRED, TO ALLOW A REAR SETBACK OF 41.75 FEET, WHERE 45 FEET ARE REQUIRED, AND AN EAST SIDE SETBACK OF 0 FEET, WHERE 5 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-781(2), 98-781(3) AND 98-787. **PROPERTY LOCATED AT 383 WEST 34 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 28, 2010 recommended approval of this ordinance; and

WHEREAS, the applicant proffers to never schedule garbage collection service before 8:00 a.m. on any given day, so as to minimize any impact on the neighboring residential properties, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow 6 parking spaces in the front setback and a variance permit to allow a landscape buffer of 2.6 feet, where 7 feet are required, to allow a rear setback of 41.75 feet, where 45 feet are required, and an east side setback of 0 feet, where 5 feet are required, to accommodate a dumpster enclosure, contra to Hialeah Code §§ 98-781(2), 98-781(3) and 98-787, which provide in pertinent part: "In the RO residential office district, all structures or buildings shall have the following setbacks: (2) *Rear setback*. There shall be a minimum rear setback of 45 feet from the property line. (3) *Side (interior) setback*. There shall be a minimum interior side setback of five feet from the property line." and "All developed lots within the RO residential office district shall comply with city

landscaping requirements, including irrigation.”; the minimum standards of in the City of Hialeah Landscape Manual being “(D)(7) Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property.”, respectively. Property located at 383 West 34 Street, Hialeah, Miami-Dade County, Florida, zoned RO (Residential Office District) and legally described as follows:

LOT 20, BLOCK 5, FIRST ADDITION TO CAROLE ANNE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, AT PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

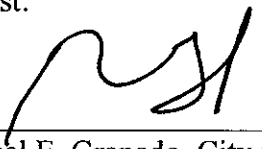
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 25th day of May, 2010.


Carlos Hernandez
Council President

Attest:


Rafael E. Granado, City Clerk

Approved on this 27 day of May, 2010.


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

s:\web\legislation\2010-ordinances\383west34street-expandingexistnonconforminguse-parking-landscape-rear&sidesb-pzapr28-05.doc

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes.